

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BLUE SPIKE, LLC, §  
§  
Plaintiff, § CIVIL ACTION NO.  
§  
VS. § 6:12-CV-00499-MHS  
§  
TEXAS INSTRUMENTS, INC. §  
§  
Defendant. §

BLUE SPIKE, INC., §  
§  
Plaintiff, §  
§  
VS. §  
§  
AUDIBLE MAGIC CORPORATION, §  
FACEBOOK, INC., MYSPACE, LLC, §  
SPECIFIC MEDIA, LLC, §  
PHOTOBUCKET.COM, INC., § CIVIL ACTION NO.  
DAILYMOTION, INC., DAILYMOTION §  
S.A., SOUNDCLOUD INC., § 6:12-CV-00576-MHS  
SOUNDCLOUD LTD., MYXER, INC., §  
QLIPSO, INC, QLIPSO MEDIA §  
NETWORKS, LTS, YAP.TV, INC., §  
GOMISO, INC., IMESH, INC., §  
METACAFE, INC., BOODABEE §  
TECHNOLOGIES INC., TUNECORE, §  
INC., ZEDGE HOLDINGS, INC. §  
BRIGHTCOVE INC., COINCIDENT. §  
TV INC., ACCEDO BROADBAND §  
NORTH AMERICA, INC., ACCEDO §  
BROADBAND AB, and MEDIAFIRE, §  
LLC, §  
§  
Defendants. §

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY  
ORAL AND VIDEOTAPED DEPOSITION OF  
SCOTT MOSKOWITZ  
December 11th, 2014  
VOLUME 3  
Pages 639 through 822

1 ORAL AND VIDEOTAPED DEPOSITION OF SCOTT  
2 MOSKOWITZ, produced as a witness at the instance of  
3 the Defendant Audible Magic, and duly sworn, was  
4 taken in the above-styled and numbered cause on the  
5 11th of December, 2014, from 8:45 a.m. to 2:29 p.m.,  
6 before Daniel J. Skur, Notary Public and Certified  
7 Shorthand Reporter in and for the State of Texas,  
8 reported by stenographic means, at the offices of  
9 Garteiser Honea, 218 North College Avenue, Tyler  
10 Texas, pursuant to the Federal Rules of Civil  
11 Procedure.  
12  
13  
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25

1 sheet is where we got that. Thank you.

2 MR. GARTEISER: Sure.

3 MR. RAMSEY: Let's go off the record  
4 and take a quick break. I'd like to get back.

5 VIDEOGRAPHER: This is the end of  
6 tape number 1 to be continued on tape number 2.  
7 We're off the record at 9:31 a.m.

8 (Recess held.)

9 VIDEOGRAPHER: This is the beginning  
10 of tape number 2 in the continued deposition of  
11 Scott Moskowitz taken on December 11th, 2014. We're  
12 on the record at 9:47 a.m.

13 MR. RAMSEY: All right. This is  
14 Gabe Ramsey for Audible Magic. For the record, we  
15 are now leaving the 30(b)(6) testimony of Blue Spike  
16 LLC and continuing that to another day, and at this  
17 point on the record, we resume the 30(b)(1)  
18 testimony and deposition of Scott Moskowitz.

19 Please mark this as Exhibit 17,  
20 please.

21 (Deposition Exhibit 17 marked.)

22 MR. BRASHER: Counsel, could we have  
23 a copy.

24 MR. RAMSEY: I'm sorry. Of course.

25 MR. BRASHER: Thank you.

1 BY MR. RAMSEY:

2 Q. Figures 2 through 13.

3 A. Oh, pardon me. I'm sorry. Figures 2  
4 through 13. Okay.

5 Q. All right. Mr. Moskowitz, isn't it true  
6 that the process described in Figures 2 through 13  
7 of the '223 patent described the process of creating  
8 abstracts in your signal abstracting patents?

9 A. No.

10 Q. Isn't that true?

11 A. No, it's not true at all.

12 Q. Do you -- you must admit that the  
13 process described between Figures 2 through 13 of  
14 the '223 patent anticipates the creating of  
15 abstracts in your '472 patent.

16 MR. GARTEISER: Objection, form.

17 BY MR. RAMSEY:

18 Q. Correct?

19 MR. GARTEISER: Objection, form.

20 A. "Anticipate" means what?

21 BY MR. RAMSEY:

22 Q. Isn't it true that the process of  
23 creating abstracts in the claims of your asserted  
24 patents is reflected in Figures 2 through 13 of the  
25 '223 patent?

1           A.       No, it's not true at all, and I can  
2 refer actually -- we can start at Figure 2 if you  
3 would like.

4           Q.       Please. Tell me why that's not so.

5           A.       In Figure 2 of the '223 patent, step 200  
6 at the top says, open sound file, read header  
7 information.

8           Q.       Okay. What is the import of that fact?

9           A.       We're not concerned with header  
10 information.

11          Q.       All right. Are there any other reasons  
12 why Figures 2 through 13 do not anticipate the  
13 process of creating abstracts in your patent?

14          A.       Again, I'm not going to follow your  
15 definition of what "anticipates" means because the  
16 patent office has already said that it doesn't  
17 anticipate, but I'll go page to page.

18                   In Figure 3, starting from the top,  
19 prepare file for reading, read one frame of samples  
20 from sound file into sample array. Did we read a  
21 full frame?

22                   Then skipping down below that,  
23 compute FFT of this frame and convert to magnitude  
24 spectrum and store in array mag, I believe that  
25 says, it's hard to read, with a corresponding array

1 of the frequencies of each bin in frequency, and  
2 there's no reference there. However, when it says  
3 did we read a full frame in Figure 3 and the answer  
4 is no, then we get into pitch trajectory cleanup in  
5 addition to statistics computation referred to in  
6 Figure 13.

7 Next would be Figure 5. Starting  
8 with -- well, I mean, again, all of these things can  
9 have references to descriptions within the  
10 specification itself, so I'm only reading what's  
11 written here, and I would like the opportunity to  
12 actually refer to the actual terminology as well as  
13 description that is in the specification, but if  
14 yes, if fund equals minus 1, fund C and frequency  
15 candidateCount equals fund. Compute score.  
16 CandidateCount -- which then refers to Figure 7.  
17 CandidateCount equals candidateCount plus 1, and  
18 then finally, pick best candidate, which refers to  
19 Figure 8, and compute confidence in Figure 9.

20 Referring now to Figure 7B, I  
21 believe it says Figure 7 in an earlier reference,  
22 but there is a Figure 7A and a Figure 7B, and in  
23 this figure there are several, I guess, harmonic and  
24 sums that are being determined, and at the end it  
25 says, fund C and Score candidateCount equals

1 fitSum/FFTNorm, referring to step 726, and then it  
2 says compute score.

3 Referring now to Figure 9B, there is  
4 a key to Figure 9B which refer separately to Figure  
5 9A and Figure 9B. The steps I won't repeat. They  
6 are as they're written in the document, but the last  
7 piece of this in what is called step 928 says pitch  
8 confidence, parentheses, frame count equals conf  
9 sum/FFT norm and then the following becomes a  
10 compute confidence.

11 Finally -- and again you've asked  
12 the question several times about what are called  
13 MFCCs, or Mel-spaced overlapping triangle filters,  
14 which is the way it's described here, I'd refer to  
15 however the term would be described in the  
16 specification, but the following steps of  
17 normalizing the magnitude spectrum, apply a  
18 preemphasis filter, apply mel-spaced overlapping  
19 triangular filters, apply cosine transform to obtain  
20 cep -- excuse me, cepstral coefficients,  
21 parentheses, MFCCs, and the result is MFCC  
22 computation.

23 Finally, below that, as a separate  
24 computation I'll read the steps as they occur. I  
25 will do my best to make sure, but reference to the



1 figure is probably much easier.

2 For each acoustic attribute  
3 trajectory, not feature, or not characteristic,  
4 trajectory, compute the corresponding first  
5 derivative trajectory, so we're not only not a  
6 feature or a characteristic, but we're now an  
7 acoustic attribute trajectory corresponding to its  
8 first derivative.

9 The second step is for each  
10 trajectory, parentheses, acoustic attributes, and  
11 first derivatives compute the amplitude weighted  
12 mean.

13 The next step, without getting into  
14 the mathematics that are described here, for each  
15 trajectory, parentheses, acoustic attributes and  
16 first derivatives, compute the amplitude weighted  
17 standard deviation and the result of these steps is  
18 a statistics computation.

19 Q. All right. So -- thank you. So is it  
20 true that each of the --

21 A. Now --

22 Q. -- features that you just described --

23 A. But --

24 Q. -- from --

25 A. I'm sorry.

1           Q.       -- Figures 2 through 13 are -- those are  
2       your -- it's your position that each of those  
3       independently is a reason why the process set forth  
4       in the '223 patent is different from your signal  
5       abstracting creation process; is that right?

6                   MR. GARTEISER: Objection, form.

7           A.       That's not what was asked. What was  
8       asked of me is akin to the question you've been  
9       asking me several times over the past three days,  
10      which is your contention that an MFCC is somehow  
11      equivalent with a signal abstract. I contend that  
12      this is not the case. So as, again, going past the  
13      limited figures that you've described, we can also  
14      refer to Figure 18, because if we're talking about  
15      things like a comparing step, which was hotly  
16      contested, if I remember correctly, in the claim  
17      construction, it seems to me that not only is it not  
18      the same thing, but once again, we get into  
19      measuring distances between JF pair of frames, so  
20      somehow an analysis of frames of sound. Somehow  
21      those frames are measured in some way, and as we get  
22      to the end of this, whether there's a match or a  
23      nonmatch, the underlying title of Figure 18 is  
24      Comparing Sounds By Matching Trajectories. Signal  
25      abstracts, to the best of my knowledge, are not

1 comparing sounds by matching trajectories, but I  
2 again refer to the specification, prosecution  
3 history, as well as the claim construction.

4 Q. Please turn --

5 A. And then -- I'm sorry. Interrupt.

6 Q. Please turn to Figure 17.

7 MR. GARTEISER: Counsel, you didn't  
8 let him finish answering your last question. Are  
9 you going to retract that question?

10 MR. RAMSEY: No.

11 MR. GARTEISER: Then he needs to  
12 have the opportunity to finish answering.

13 BY MR. RAMSEY:

14 Q. Finish the answer to the question.

15 A. Then in Figure 19, similarly, measure  
16 distance between rhythms where there are values of I  
17 including inverse duration, log tempo, what is  
18 called pattern 3, and then finally rhythm  
19 trajectory. And in this distance, which again  
20 you've asked me several times about, I believe,  
21 Euclidean measurements of distances between points  
22 in a signal referencing the patents that are at  
23 suit, here we see that the result is an overall  
24 distance where W is a user-supplied weight, so  
25 someone is providing some information about what the

1 weight should be, and norm, I believe that may refer  
2 to normalization, is a system defined normalization,  
3 oh, it is, for the I figure, and that says comparing  
4 rhythms.

5 Finally, in Figure 20, again, we get  
6 into computing the distance between two rhythm  
7 trajectories. The last two steps that are included  
8 here are find the two smallest values of distance I  
9 for I equals zero to LEN, L-E-N, minus 1, and take  
10 their average which is computing the distance  
11 between two rhythm trajectories. So once again, I  
12 don't think any of this characterizes what a signal  
13 abstract is without limitation and reference to the  
14 specification, the prosecution history, where plenty  
15 of references were proffered by the office and  
16 argued, or the claim construction.

17 Q. Isn't it true that the processes  
18 described between Figure 17 and 20 describe the  
19 process of comparing abstracts stated in your signal  
20 abstracting patents?

21 A. No.

22 Q. Tell me what it -- tell me your position  
23 about why you think, starting with Figure 17, what  
24 in Figure 17 is different than the process of  
25 comparing one abstract to another in your patents?

1 What's your contention?

2 MR. GARTEISER: Objection, form.

3 A. Well, for one, as I had mentioned  
4 earlier, not all of the patents include a database,  
5 so for at least the reason that the third step of  
6 Figure 17 says read sample sounds feature vector  
7 from the database, and I also call into question the  
8 term "feature vector" which is not an equivalent  
9 with the signal abstract as being another term, and  
10 the other one would be the fact that measuring  
11 distance from sample sound to each sound in  
12 database, I'm not clear on what that means, but the  
13 last step in comparing sounds says, sort all sounds  
14 by distance and display result to user. And if I  
15 recall from the earlier testimony and without  
16 limitation and refer to -- prefer to refer to the  
17 testimony regarding Euclidean distances within  
18 signals, that I told you it is not necessary to  
19 include Euclidean distance measurements in creating  
20 a signal abstract, and I still stand by that, and I  
21 will not say anything further that would limit me  
22 from what the specification as well as the  
23 prosecution history and the claim construction went  
24 in, and I will finally -- I'm sorry for the  
25 long-winded answer.

1 My final response to that is these  
2 figures as they exist in this application, I believe  
3 it's improper to read simply the figures since  
4 entering figures in patents, as I remember it, have  
5 to include some description in the detail  
6 description in a -- in a -- in an area which we call  
7 brief description of the drawings so that we can  
8 understand exactly what's meant. Not simply  
9 referring to figures without any type of reference  
10 to the actual specification. And that exists at  
11 column 4, which says, brief description of the  
12 drawings.

13 BY MR. RAMSEY:

14 Q. Sir, you cannot disagree -- isn't it  
15 true you cannot disagree that a feature vector  
16 representing MFCC values is exactly the same as your  
17 signal abstract; isn't that right?

18 MR. GARTEISER: Objection, form.

19 A. I can and I will and I have and I'll  
20 continue to, and the U.S. Patent and Trademark  
21 Office of these United States agrees with me.

22 BY MR. RAMSEY:

23 Q. So it's your contention that the U.S.  
24 Patent and Trademark Office agreed that a feature  
25 vector representing MFCC values is not your signal

1 abstract; is that your view?

2 MR. GARTEISER: Objection, form.

3 A. That's not what I said.

4 BY MR. RAMSEY:

5 Q. So you -- so the patent office does  
6 agree that feature vectors representing MFCC values  
7 is the same as your -- your signal abstract?

8 MR. GARTEISER: Objection, form.

9 BY MR. RAMSEY:

10 Q. You agree that it is, right?

11 MR. GARTEISER: Hold on. Objection,  
12 form.

13 A. Again, that's not what I said, but this  
14 patent was presented to the patent office under my  
15 duty to disclose. It was determined by the patent  
16 office however the examiners examined and did  
17 searches against that to come to the conclusion that  
18 a signal abstract is a pioneering invention, and as  
19 I'll remind you as I've responded several times  
20 earlier, the original first office action on the  
21 merits indicated allowable subject matter from the  
22 very beginning, and I'll further supplement the  
23 answer by saying even if you think it might be, you  
24 had ample opportunity to submit under current patent  
25 law an inter partes review claiming whatever you're

1 claiming right now so that you could get a definite  
2 answer from the patent office, but you and the other  
3 defendants failed to do so.

4 Q. Isn't it true that a feature vector  
5 representing MFCCs is exactly the same as your  
6 signal abstract? You can't -- you can't disagree  
7 with that proposition. Correct?

8 MR. GARTEISER: Objection, form.

9 A. Counselor, you telling me what I can and  
10 can't agree to sounds very odd in the context of a  
11 question. Would you like to rephrase the question  
12 so I can understand it better?

13 BY MR. RAMSEY:

14 Q. Isn't it true you agree that a feature  
15 vector representing MFCC values is exactly the same  
16 as the signal abstract described in your asserted  
17 patents?

18 MR. GARTEISER: Objection, form.

19 A. Again, I've said it many times, a signal  
20 abstract is not the same thing as the MFCCs and,  
21 again, the claim construction which you based your  
22 arguments was rejected by the court during the  
23 Markman hearing, and so if you want further  
24 clarification on it, I'm still going to continue to  
25 maintain, not only are they not the same, but as per



1 the title, and again shouldn't only rely on titles  
2 of patents, but it says here, method and article of  
3 manufacture for content-related analysis, storage,  
4 retrieval, and segmentation of audio information.  
5 The three features that you asked me to explain how  
6 my invention with my co-inventor Mike Berry were  
7 different that I mentioned on the first day of these  
8 depositions, if we would like to go back over those  
9 features, none of those features can be -- can be  
10 handled by what's described here in this patent or  
11 any other patent, frankly, that existed or any other  
12 reference that existed at the time of the invention.  
13 BY MR. RAMSEY:

14 Q. Maybe you misunderstood my question. My  
15 question was particularly, isn't it true that you  
16 agree that a feature vector representing MFCC values  
17 is exactly the same as the signal abstract described  
18 in your patents?

19 MR. GARTEISER: Objection, form.

20 A. No, I don't agree with it. And by the  
21 way, I'll supplement the answer, and I'll refer you  
22 to column 3 why I think that.

23 MR. GARTEISER: Column 3 of what?

24 A. Column 3 of patent 5,918,223 or  
25 otherwise known as the '223 patent, between column

1 3, line 5, and column -- and 65, it says  
2 specifically, and I'll only read a part of it, but  
3 I'm again going to give you the opportunity to argue  
4 over what is written here, but at the end of column  
5 34, starting around line 62, the invention also  
6 provides an alternative method for classifying  
7 sounds in which the classification is formed using a  
8 probability density function based on the analysis  
9 frames themselves rather than using the feature  
10 vector statistical measurements. So once again,  
11 probably density functions on analysis of frames  
12 themselves versus what you just said was the only  
13 thing was a feature vector for an MFCC is stark  
14 contrast based on a reading of just that single  
15 column.

16 BY MR. RAMSEY:

17 Q. Isn't it true that at column 3, line 4  
18 through 21 of the '223 patent, the process of  
19 creating a signal abstract as understood in your  
20 patents is described?

21 A. Pardon?

22 Q. Isn't it true that at column 3, lines 4  
23 through 21, the process of creating a signal  
24 abstract as understood in your patents is described?

25 MR. GARTEISER: Objection, form.

1 again. It seems to be a habit of yours.

2 Q. Are you -- so you're incapable or  
3 unwilling to describe for me the process of  
4 comparing two abstracts in your asserted patents  
5 without quoting from the patent specification; is  
6 that true?

7 MR. GARTEISER: Objection, form.

8 A. I didn't say that.

9 BY MR. RAMSEY:

10 Q. Are you capable of describing for me  
11 without reading from the patents the process of  
12 comparing two abstracts?

13 MR. GARTEISER: Objection, form.

14 A. I'm capable of describing it, but,  
15 again, this happens to be, what do you call it, a 30  
16 point what?

17 BY MR. RAMSEY:

18 Q. Right now we're not in the 30(b)(6)  
19 deposition.

20 A. What type of deposition is this?

21 Q. Right now we're -- right now is the  
22 deposition of the inventor Scott Moskowitz. Please  
23 describe for me how the process of comparing two  
24 abstracts in your asserted patents works.

25 MR. GARTEISER: Object -- objection,

1 that what you just said?

2 MR. GARTEISER: Objection, form.

3 A. They may produce different results  
4 depending on the context of the signal. For  
5 instance, if the signal is in a single dimension  
6 such as audio, which I believe that your prior  
7 recitation or reference to Deposition Exhibit 17,  
8 content-based classification search and retrieval of  
9 audio, I'm not sure that I saw anything about root  
10 mean square calculations, but I did see something in  
11 the -- let's see. I did see in Exhibit 18 which is  
12 U.S. patent to Blum 5,918,223 or what has been  
13 referred to previously as the Blum patent or the  
14 '223 patent, that -- let's see. Let's do both of  
15 these.

16 (Witness reviews document.)

17 BY MR. RAMSEY:

18 Q. Are you done reviewing the document,  
19 Mr. Moskowitz? I have another question.

20 A. I'm not done reading the document,  
21 sorry.

22 Q. Let's move on.

23 A. It's lengthy.

24 Q. I think you've answered my last  
25 question.

1           A.       Wait. Wait. What was your last  
2 question?

3           Q.       You stated in response to the question,  
4 does the use of different mathematics produce  
5 different results in the comparing process in your  
6 patent, and you said it may -- that they may produce  
7 different results depending on the context of the  
8 signal. So my question to you is, does your --

9           A.       So -- so again, you mentioned root mean  
10 square calculations, and the reference in, let's  
11 see, Exhibit 1, column 6, refers specifically to  
12 watermarking, however, must inherently alter at  
13 least one --

14                       (Interruption by the reporter.)

15           A.       I'm sorry. Watermarking, however, must  
16 inherently alter at least one data bit of the  
17 original signal to represent a minimal change from  
18 the original signal's unwatermarked state. The  
19 changes may affect only a bit at the very least or  
20 may -- or be dependent on information hiding  
21 relating to signal characteristics, such as phase  
22 information, differences between digitized samples,  
23 root mean square calculations, Z transform analysis,  
24 or similar signal characteristic category.

25                       So once again, it's -- doesn't

1 appear to me that it's a necessary condition, but  
2 within the context of your question, I think you're  
3 ignoring the entirety of the specification and all  
4 of the references made to prior applications  
5 incorporated by reference.

6 BY MR. RAMSEY:

7 Q. So does -- do your asserted patents  
8 specify which mathematics should be used in one  
9 signal context versus another, for example,  
10 one-dimensional signal context versus  
11 two-dimensional signal contexts?

12 MR. BRASHER: Objection, form.

13 A. Once again, I need to understand what  
14 you mean by "mathematics."

15 BY MR. RAMSEY:

16 Q. Well, what's your understanding of  
17 "mathematics"?

18 A. My understanding of mathematics is that  
19 originally it was called philosophy.

20 Q. All right. So do your asserted patents  
21 specify which mathematics should be used to compare  
22 signal abstracts in one signal context versus  
23 another, for example, one-dimensional signals versus  
24 two-dimensional signals?

25 A. Well, that's a signal context, but

1       you're also not referring, as you've repeatedly  
2       asked questions, about perceptual features and  
3       perceptual characteristics and MFCCs. Is that what  
4       you continue to talk about? So what do you mean by  
5       "signal context" now?

6               Q.       You just stated that different  
7       mathematics produce different results depending on  
8       the context of the signal in the comparing process.  
9       Does your patent describe which mathematics to use  
10      in one-dimensional contexts and what mathematics to  
11      use in another signal context in order to carry out  
12      comparison?

13             A.       I think you're mischaracterizing the  
14      response. It's the context of the monitoring  
15      effort. The sender and the receiver of the signal,  
16      the people who are interested in the identification.

17             Q.       Okay.

18             A.       So if I'm in the image business and I  
19      want certain types of images to be identified based  
20      on the characteristics inherent or features inherent  
21      to that image and root mean square calculations may  
22      help speed up the ability to compare, then, sure, it  
23      may be a feature there.

24             Q.       All right.

25             A.       But the sentence that you are taking out

1 from the specification is talking about watermarking  
2 technology which is not the subject of this  
3 litigation, and, again, without being very --  
4 without getting clarity on what you mean by  
5 "context" and what you mean by "mathematics," it's  
6 not -- it's not clear to me exactly what you're  
7 asking.

8 Q. All right. So you're saying that in  
9 your patents, your patents say that the sender and  
10 receiver must agree on what mathematical techniques  
11 are appropriate to carry out a comparing of  
12 abstracts in one context versus another.

13 MR. BRASHER: Objection, form.

14 BY MR. RAMSEY:

15 Q. It's not limited. It's the sender and  
16 receiver's decision.

17 MR. BRASHER: Objection, form.

18 A. I didn't say that.

19 BY MR. RAMSEY:

20 Q. So -- okay. In that case, where in your  
21 specification of your asserted patents is it  
22 specified which mathematics should be used in one  
23 signal context versus another?

24 MR. BRASHER: Objection, form.

25 A. Once again, I am trying to understand



1 what you mean by "mathematics."

2 BY MR. RAMSEY:

3 Q. So you don't understand mathematics as  
4 they apply to your patents. When I ask you what  
5 mathematics are applied in the abstract comparison  
6 process, you don't understand what that means; is  
7 that true?

8 MR. BRASHER: Objection, form.

9 A. You've asked a compound question, and I,  
10 again, ask you, is this a mathematics quiz, or is  
11 this some other endeavor to try and figure out  
12 something that I'm not understanding.

13 BY MR. RAMSEY:

14 Q. I'm trying to understand the inventor's  
15 view of what mathematics are used to compare two  
16 signal abstracts in the claims of the asserted  
17 patents. Please tell me that.

18 MR. BRASHER: Objection, form.

19 A. I believe that I've answered that  
20 question and again refer you to the entirety of the  
21 specification, the prosecution history, as well as  
22 the claim constructions.

23 BY MR. RAMSEY:

24 Q. What --

25 A. What I will say is that the mathematics

1 of MFCCs are not equivalent with a signal abstract  
2 on -- in any way, shape, or form.

3 Q. Okay.

4 MR. RAMSEY: All right. I think  
5 we've just hit 2:30. So we're -- at this moment,  
6 this is Gabe Ramsey for Audible Magic. We are  
7 continuing until January the deposition -- the  
8 continued deposition of Scott Moskowitz -- Scott  
9 Moskowitz, the continued deposition of Blue Spike  
10 Inc., and the continued deposition of Blue Spike  
11 LLC. Thank you.

12 VIDEOGRAPHER: This is the end of  
13 tape number 5, and this is the end of the deposition  
14 for today. We're off the record at 2:28 p.m.  
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